

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**JOSE MARTINEZ,
Defendant.**

§
§
§
§
§
§
§

Criminal No. A-14-MJ-048

MOTION FOR DETENTION

Under Title 18, United States Code, Section 3141, et seq., the United States moves for pretrial detention and would respectfully show the Court the following:

1. The pending case involves:

- ☐ (A) A crime of violence
- ☐ (B) An offense for which the maximum sentence is life imprisonment or death.
- ☐ (C) An offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Maritime Drug Law Enforcement Act.
- ☐ (D) A felony committed after the Defendant had been convicted of 2 or more prior offenses described in 18 U.S.C. §§ 3142(f)(1)(A)-(C) or comparable state or local offense.
- ☒ (E) A felony that is not otherwise a crime of violence that involves a minor victim OR that involves the possession OR use of a firearm or destructive device, OR any other dangerous weapon.
- ☒ (F) A serious risk that the Defendant will flee.
- ☐ (G) A serious risk that the Defendant will obstruct or attempt to obstruct justice, or attempt to threaten, injure or intimidate a prospective witness or juror.

2. A rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required AND the safety of any other person and the community, because there is probable cause to believe that:

- ☐ (A) The Defendant committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act or the Maritime Drug Law Enforcement Act.
- ☐ (B) The Defendant committed an offense under 18 U.S.C. § 924(c), 956(a), or 2332b.

- ☐ (C) The Defendant committed an offense involving a minor victim under 18 U.S.C. § 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

3. No condition or combination of conditions will:

- ☒ (A) Reasonably assure the appearance of the Defendant as required.
- ☒ (B) Reasonably assure the safety of the community or any other person.

4. So that the United States can prepare for said hearing, the United States moves that the detention hearing be continued for

☒ Up to three (3) days, pursuant to 18 U.S.C. § 3142(f).

☐ Up to ten (10) days, pursuant to 18 U.S.C. § 3142(d), because the Defendant may flee or pose a danger to another person or the community and:

☐ (A) The Defendant committed the charged offense while released pending trial or sentence, or while on probation or parole.

☐ (B) The Defendant is not a citizen of the United States or lawfully admitted for permanent residence.

The United States may offer additional reasons for detention other than those indicated above as the investigation proceeds and new information becomes available.

WHEREFORE, PREMISES CONSIDERED, the Government requests that the Defendant be held without bond.

Respectfully submitted,

ROBERT PITMAN
United States Attorney

By: /s/
DANIEL M. CASTILLO
Assistant United States Attorney
Texas State Bar #00793481
816 Congress Avenue, Suite 1000
Austin, TX 78701
512/916-5858/ 916-5855 fax